

IN RE: PETITION FOR ADMIN. VARIANCE  
SR/Corner Oak Forest Avenue  
and Tredegar Avenue  
(401 Oak Forest Avenue)  
1st Election District  
1st Councilmanic District  
Sylvester W. Appelbaum, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-193-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the property, Sylvester W. and Dorothy J. Appelbaum. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached carport) to be located on a corner lot in the 1/3 of the rear yard not farthest removed from the side street, as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of December, 1993 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached carport) to be located on a corner lot in the 1/3 of the rear yard not farthest removed from the side street, (20 feet from the side property line and 10 feet from the rear property line), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed carport shall remain open on the three exposed sides. At no time shall the carport be enclosed without a public hearing to determine the appropriateness of same.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

- 2 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

December 8, 1993

(410) 887-4386

Mr. & Mrs. Sylvester W. Appelbaum  
401 Oak Forest Avenue  
Catonsville, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
SR/Corner Oak Forest Avenue and Tredegar Avenue  
(401 Oak Forest Avenue)  
1st Election District - 1st Councilmanic District  
Sylvester W. Appelbaum, et ux - Petitioners  
Case No. 94-193-A

Dear Mr. & Mrs. Appelbaum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-1391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1ST Date of Posting: 11/12/93  
Posted for: Administrative  
Petitioner: Sylvester W. Appelbaum, Dorothy J. Appelbaum  
Location of property: 401 Oak Forest Avenue, Catonsville, Maryland 21228  
Location of signs: Along Roadway, 20' x 30' signs, 2 signs  
Remarks: See Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100  
Posted by: Timothy M. Kotroco Date of return: 11/14/93  
Number of Signs: 2

**receipt**  
Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Account: 9-001-4386  
Date: 11-5-93 94-193-A Item: 197  
Sylvester Appelbaum  
401 Oak Forest Ave.  
(21228)  
\*010 - Residential (Admin) Variance - \$50.00  
\*010 - Sign & Posting - 35.00  
Total \$85.00

#### Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 401 Oak Forest Avenue  
which is presently zoned DR 1.5  
This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 to allow an accessory structure (detached carport) on a corner lot to be located in the 1/3 rear yard not farthest removed from the side street.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons: indicate hardship or practical difficulty.  
Impractical and obtrusive to extend driveway to area where zoning laws would permit the construction of a carport.  
Macadam slab already exists where carport is proposed.

Property is to be posted and advertised as prescribed by Zoning Regulations  
I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Continued Petitioner's name: Sylvester W. Appelbaum  
Type of Petition: Administrative  
Signature: Sylvester W. Appelbaum  
Address: 401 Oak Forest Avenue  
City: Catonsville, Md. State: MD Zip: 21228  
Attorney for Petitioner: no agent  
Type of Petition: Administrative  
Signature: Dorothy J. Appelbaum  
Address: 401 Oak Forest Avenue  
City: Catonsville, Md. State: MD Zip: 21228  
Attorney for Petitioner: no agent  
Type of Petition: Administrative  
Signature: Dorothy J. Appelbaum  
Address: 401 Oak Forest Avenue  
City: Catonsville, Md. State: MD Zip: 21228  
Attorney for Petitioner: no agent

A Public Hearing having been requested and/or found to be required, it is ordered that the hearing be held at the following time and place: 11-5-93  
I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.  
RECEIVED BY: Timothy M. Kotroco DATE: 11-5-93  
TERMINATED POSTING DATE: 11-22-93  
ITEM #: 197

#### Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:  
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify hereto in the event that a public hearing is scheduled in the future with regard hereto.

That the Affiant(s) decede presently reside at 401 Oak Forest Avenue  
Catonsville, Md. 21228  
MD

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: see exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

A driveway and parking area now exist which are adjacent to an existing garage. The parking area is surrounded by trees which over hang the area. At certain times of the year acorns drop and dent the cars parked there. At other times sap drips and harms the paint on the cars. We wish to build a carport to protect the cars. It is impractical and obtrusive to extend driveway to build a carport on a site permitted by zoning laws.

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Sylvester W. Appelbaum  
Sylvester W. Appelbaum  
Dorothy J. Appelbaum  
Dorothy J. Appelbaum

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss: I HEREBY CERTIFY, this 2nd day of November, 1993, before me, a Notary Public of the State of Maryland, and for the County aforesaid, personally appeared Sylvester W. Appelbaum & Dorothy J. Appelbaum

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

11/6/93  
NOTARY PUBLIC: Dianna M. Pelt

My Commission Expires: 11/1/94  
Notary Public for Baltimore County, Maryland

94-193-A

#### ZONING DESCRIPTION

ZONING DESCRIPTION FOR 401 OAK FOREST AVENUE  
Election District 01 Councilmanic District 01

Beginning at a point where an iron pipe is driven into the ground at the corner formed by the intersection of the southeast side of Tredegar Avenue, sixty feet wide and the northeast side of Oak Forest Avenue, forty feet wide; and running from said place of beginning binding on the northeast side of Oak Forest Avenue, South twelve degrees seven minutes twenty seconds east one hundred feet to an iron pipe; thence leaving that point at right angles and running North seventy-seven degrees fifty-two minutes forty seconds east one hundred fifty feet to an iron pipe; thence North twelve degrees seven minutes twenty seconds west one hundred feet to an iron pipe on the southeast side of Tredegar Avenue; thence South seventy-seven degrees fifty two minutes forty seconds east on the southeast side of Tredegar Avenue one hundred fifty feet to the place of beginning.

Being Lots # 316, 317, 318 & 319 in the subdivision of Oak Forest Park as recorded in the Baltimore County Plat Book # 05, Folio 090, containing 15,000 square feet or .344 acres







94-193-A